

REMARKS

Claims 1 through 18 were presented for examination and were pending in this application. In an Official Action dated December 31, 2003, claims 1 through 18 were rejected. Applicants thank Examiner for examination of the claims pending in this application and addresses Examiner's comments below.

Applicants cancel claims 1 through 18 and introduce new claims 19 through 37. These changes are believed not to introduce new matter, and their entry is respectfully requested. The claims have been amended to expedite the prosecution of the application in a manner consistent with the Patent Office Business Goals, 65 Fed. Reg. 54603 (Sept. 8, 2000). In making these amendments, Applicants have not and do not narrow the scope of the protection to which Applicants consider the claimed invention to be entitled and do not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Based on the above Amendment and the following Remarks, Applicants respectfully request that Examiner reconsider all outstanding objections and rejections, and withdraw them.

Response to Claim Objections

In the 1st paragraph of the Office Action, Examiner objected to claims 1 and 2 because of informalities. As these claims are now canceled, Applicants respectfully submit that the basis for the Objections is now obviated and should be removed.

Response to Rejection Under 35 USC § 112, Paragraph 2

In the 3rd paragraph of the Office Action, Examiner has rejected claim 1 as allegedly not specifically pointing out and distinctly claiming the subject matter that the Applicants regard as the invention. As claim 1 is now canceled, Applicants respectfully submit that the basis for this rejection is now obviated and should be removed.

Response to Nonstatutory Double Patenting Rejection

In the 9th paragraph of the Office Action, Examiner rejects claims 1 and 3 through 18 under the judicially created doctrine of Obviousness-type double patenting as being unpatentable over claims 1 through 23 of U.S. Patent No. 6,356,243. Although Examiner correctly noted that this rejection may be overcome if Applicants timely file a terminal disclaimer pursuant to 37 CFR 1.321(c), Applicants respectfully submit that a need for such terminal disclaimer is obviated in view of the cancellation of claims 1 through 18 and introduction of new claims 19 through 37 in this application.

Response to Rejection Under 35 USC 102(e)

In the 5th paragraph of the Office Action, Examiner rejects claims 1-6 and 8-17 under 35 USC § 102(e) as allegedly being anticipated by U.S. Patent No. 6,304,232 to Brown et al. ("Brown"). As claims 1 through 18 are now canceled, Applicants respectfully submit that the basis for this rejection is now obviated. Nevertheless, to help expedite prosecution of this application, Applicants provide the Remarks below corresponding with new claims 19 through 37.

Response to Rejection Under 35 USC 103(a) in View of Brown

In the 7th paragraph of the Office Action, Examiner rejects claims 7 and 18 under 35 USC § 103(a) as allegedly being unpatentable in view of Brown. This rejection is

respectfully traversed. As claims 1 through 18 are now canceled, Applicants respectfully submit that the basis for this rejection is now obviated. Nevertheless, to help expedite prosecution of this application, Applicants provide the Remarks below corresponding with new claims 19 through 37.

Claims Distinguishable Over Cited References

Applicants respectfully submit that new Claims 19 through 37 are patentably distinguishable over Brown. Brown discloses an “interconnection and packaging of electronic components and, more particularly, to a circuit module such as an RF transponder for monitoring a condition within a pneumatic tire.” *Brown*, col. 1, ll., 4-7. The circuit and conventional coil antenna disclosures in, for example, Fig. 2 of Brown, are specially configured for placement in pneumatic tires, for example, as shown in Fig. 1A of Brown. *See, e.g.*, col. 2, l. 36 to col. 3, l. 20; col. 4, l. 25 to col. 6, l. 36; Figs. 1, 1A, 2.

In contrast to Brown, claim 19 recites, *inter alia*:

A loop antenna system configured for use in an computer control device communicatively coupled with a computing device, the loop antenna system comprising:

...

second antenna member including at least one turn in a geometric plane of a spatial Cartesian coordinate system distinct from a geometric plane of the spatial Cartesian coordinate system of at least one turn of the first antenna member,

...

the first antenna member and the second antenna member comprise an antenna loop for transmission of radio frequency signals relating to activity of the computer pointing device in relation to the computing device,

...

the antenna loop and the printed circuit board enclosed within a housing of the computer pointing device.

Further, claim 29 recites:

An antenna system for use in a computer control device communicatively coupled with a computing device, the antenna system comprising:

...

the first means structured in a geometric plane of a spatial Cartesian coordinate system distinct from the second means, the first means and the second means structured in a loop configuration,

...

one of the first means and the second means couples a radio frequency transmitter that generates the radio frequency signal, the radio frequency signal relating to activity of the computer control device in relation to the computing device, the loop configured within a housing of the computer control device.

The claimed invention beneficially recites an antenna system in a loop configuration having a portion of the antenna loop is in a “spatial Cartesian coordinate system distinct from” another portion of the antenna loop, and that is housed within a small confined space, namely, a computer control device rather than simply a coil antenna as disclosed in Brown. Further, the antenna system of the claimed invention is structured within a relatively small confined volume of “a housing of the computer control device,” rather than a conventional coil antenna housed in a volume many multiples greater than the pneumatic tire disclosed in Brown. Moreover, the claimed invention is configured to transmit radio frequency information corresponding to “activity of the computer pointing device in relation to the computing device,” rather than monitoring pneumatic tire information as disclosed in Brown. In fact, as the claims are now presented Applicants respectfully submit that Brown is non-analogous reference art.

Nevertheless, the dependent claims recite additional patentable distinctions over Brown. For example, as Examiner correctly noted Brown fails to disclose an antenna used for operation at particular frequencies. However, the conventional coil antenna disclosed in Brown is structured for use with system operating at a few hundred kHz (as noted in U.S.

Patent Nos. 5,181,975 and 5,218,861, which Brown incorporated by reference in col. 10, ll. 19-23), rather than in computer control devices operating in the 27 MHz range as is claimed.

Hence, Applicants respectfully submit that for at least the reasons set forth in the Remarks, claims 19 through 37 are patentably distinguishable over Brown. Applicants request consideration and early allowance of these claims.

Conclusion

In sum, Applicants' have added new claims 19 through 37 for which Applicants request consideration and examination. Applicants respectfully submit that these are supported by the specification and are commensurate within the scope of protection to which Applicants' believe they are entitled. Moreover, these claims are patentably distinguishable over the cited references (including references cited, but not applied).

Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
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Date: March 31, 2004

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